

REMARKS

Claims 1-22 are pending in the present application.

Claims 1-7 and 9-19 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,535,313 of Fatehi et al ("Fatehi").

Claims 8 and 20-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fatehi.

Claim 1 is rejected under 35 U.S.C. §102(e) as being anticipated by Fatehi. Specifically, the Examiner states that:

Regarding claim 1 – Fatehi discloses an exchange area network (XAN) xswitch, refer to Figure 4 callout 450 and column 5 lines 30 to 67 and column 6 lines 1 to 18.

Fatehi discloses a wide area network (WAN) wavelength switch coupled to the XAN xswitch, refer to Figure 4 and callouts 450 and 470 and column 5 lines 30 to 67 and column 6 lines 1 to 18. (9/8/04 Office Action, pp. 2-3)

Fatehi discloses a method and apparatus which attempt to provide desired communication services over optical links based on traffic demand on the links by dynamically assigning the number of wavelengths at originating and terminating optical signal access apparatus, in response to variations in network traffic. (Fatehi, col. 1, lines 19-20, 34-38) Specifically, Fatehi discloses and illustrates in FIG. 4 a "dynamically assignable optical signal modulator 400" (Fatehi, col. 5, lines 39-40). Modulator 400 includes a TDM 450 and an E/O converter 460, is coupled to an optical router 470 and takes as input data sources 102. (Fatehi, FIG. 4, col. 5, lines 37-39, 57-58, col. 6, line 10) Also within modulator 400 is a demand estimator controller 407 that estimates the bandwidth required by each of the data sources 102 and allocates one or more wavelengths to each of the data sources 102. (Fatehi, FIG. 4, col. 6, lines 26-29) Furthermore, modulator 400 includes a multiplexer 403 which multiplexes together data from each of the data sources 102 and transmits the multiplexed output to E/O converter 460 for conversion to optical carrier signal format. (Fatehi, FIG. 4, col. 6, lines 54-57, 62-63)

Applicant respectfully traverses the Examiner's rejection. Fatehi does not anticipate Claim 1 under 35 U.S.C. §102(e). Claim 1 includes an exchange area network (XAN) xswitch. Fatehi does not

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teach or suggest an XAN xswitch. Instead, Fatehi discloses a method and apparatus that dynamically assigns the number of wavelengths at originating and terminating optical signal apparatus in order to respond to variations in network traffic. (Fatehi, col. 1, lines 33-37)

Furthermore, Claim 1 includes an exchange area network (XAN) xswitch in combination with a wide area network (WAN) wavelength switch. Fatehi does not teach or suggest this combination. In contrast, Fatehi discloses "an access control arrangement including a dynamically assignable optical signal modulator and demodulator apparatus" for use in a wavelength division multiplexing (WDM) network. (Fatehi, Technical Field of the Invention) For the WDM network, Fatehi attempts to solve the problems of improving network performance and responding to variations in network traffic on an optical link, since in using WDM, a number of wavelengths are supported on an optical link. (Fatehi, col. 1, lines 15-17, 19-22, 25-26)

Independent Claims 16 and 20 also include an XAN xswitch and a WAN wavelength switch. Furthermore, Claims 2-15 directly or indirectly depend on Claim 1, Claims 17-19 directly depend on Claim 16, and Claims 21-22 directly depend on Claim 20. Applicant submits that the rejections of Claims 2-22 are traversed for at least the same reasons set forth above for Claim 1.

In view of the arguments set forth herein, it is respectfully submitted that the applicable rejections have been overcome and that Claims 1-22 are in condition for allowance. If there are any additional charges, please charge them to our Deposit Account Number 500-654.

Respectfully submitted,

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